

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	ORDER OF
)	
or Suspension of the Educator)	SUMMARY SUSPENSION
)	
Certification of Samuel E. Gallishaw)	
)	
Certificate 213815)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2005. The State Department of Education (Department) will send a notice of the possible suspension or revocation of South Carolina educator certificate 213815 to Mr. Samuel E. Gallishaw by certified mail, return receipt requested, delivery restricted to addressee. In the interim, in accordance with S.C. Code Ann. §1-23-370(c) (2004), the Department requested that the State Board summarily suspend Mr. Gallishaw's certificate until a due process hearing is held, or this matter is otherwise resolved. The Department has reason to believe, due to the nature of the misconduct that led to Mr. Gallishaw's arrest on January 10, 2005, that Mr. Gallishaw may pose a threat to the health, safety, or welfare of students that may be under his instruction. This summary suspension will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a summary suspension pending due process proceedings. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Gallishaw's certificate until a due process hearing is held, or this matter is otherwise resolved.

FINDINGS OF FACT

Mr. Gallishaw holds a valid South Carolina certificate and has over one year of teaching experience credit. Mr. Gallishaw is employed as a teacher at Sanders Middle School in Richland County School District One (District). The District placed Mr. Gallishaw on

administrative leave on December 10, 2004, pending an investigation into the allegations that Mr. Gallishaw had used excessive force against a student while working in the School's after-care program. On January 10, 2005, while still on administrative leave from the District, Mr. Gallishaw was arrested by the Columbia Police Department for the armed robbery of a restaurant.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct and crimes against the law of this State or the United States and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is reason to believe that Mr. Gallishaw may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Mr. Gallishaw's certificate 213815 until a due process hearing is held, or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Paul M. Forrester
Paul M. Forrester
Chair

Columbia, South Carolina
February 8, 2005